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WESTERN STATE-MAKING IN THE REVOLUTIONARY ERA

II

ALTHOUGH in western Pennsylvania the agitation subsided for a time, in the West Virginia region the ferment went on. To understand the situation it is necessary to recall the proceedings in Congress. On November 3, 1781, a committee recommended the acceptance of New York's cession, covering a considerable portion of Virginia's claim; and also recommended that Congress should refuse to give to Virginia the guaranty of her remaining territory, which she had demanded as the price of ceding her lands beyond the Ohio. It further recommended, that when Congress should come into possession of the tract, the claim of the Indiana company be confirmed, and the Vandalia proprietors reimbursed in lands for their actual expenditures; but it denied the latter grant as a whole, as incompatible with the interests, government, and policy of the United States. The report was a distinct blow to Virginia, and it marks the highwater point of efforts at Congressional control of regions like West Virginia just west of the Alleghanies. Through the reasoning of the report ran the theory that the crown lands, that is, all the lands beyond these mountains, had passed by devolution to the whole United States. In accepting New York's cession, Congress clothed herself with the additional title of that State. The report was not acted on until later, but the rumor of it (sometimes exaggerated into the statement that Congress had definitely taken the crown lands) spread through the West, and increased the projects for states and the appeals to Congress. In the summer of 1782 heated debates occurred in Congress over its power respecting the organization of the trans-Alleghany lands. Some argued for the right of Congress to take possession of this country, and to take the petitioning Western settlers by the hand, and admit them as new states. It was intimated that Virginia contemplated the formation of the Western country into distinct subordinate governments, and the sending out of lieutenant-governors to rule them—a repetition of the colonial policy of Great Britain, and likely to bring about another revolution. Virginia

was threatened by one speaker with forcible division into two or more distinct and independent states.¹ In the fall of 1782 Congress accepted New York's cession, and there matters rested until the next autumn.²

With so critical a situation in Congress, it is not surprising that Virginia settlers beyond the mountains began to sell their lands for low prices, and to take up new claims, expecting to be supported by Congress. Within a few days after they gave the news of this movement, the same newspapers printed a petition³ to the Virginia Assembly, asking for a new state beyond the mountains. The settlers pointed with pride to their loyalty to the revolutionary cause even while they were suffering hardships in their internal government; and they declared at some length their respect for the federal government. Said the memorialists: "We are, indeed, erected into separate States upon the declaration of our independency: but the very existence of those states separately considered, was necessarily depending upon the success of our federal Union." "Every wise man looks through the Constitution of his own State to that of the confederation, as he walks through the particular apartments of his own house to view the situation of the whole building." An increase of states in the federal Union would, in their opinion, conduce to the strength and dignity of that Union; for, said these frontier members of the Old Dominion, "it is as possible that one state should aim at undue influence over others as that an individual should aspire after the aggrandizement of himself," and this danger an increase of states would lessen. Replying to objections drawn from their social conditions, they say: "Some of our fellow-citizens may think we are not yet able to conduct our affairs and consult our interests; but if our society is rude, much wisdom is not necessary to supply our wants, and a fool can sometimes put on his clothes better

¹ Thomson Papers, *N. Y. Hist. Colls.*, 1878, pp. 145-150.

² Madison's Observations relating to the Influence of Vermont and the Territorial Claims on the Politics of Congress, May 1, 1782 (Gilpin, I. 122), gives a good idea of the situation from a Virginia point of view, and shows the part played by the land companies and by the revolutionary State of Vermont, where the similar problem of recognizing a state, formed within the limits of other states and against their will, was involved. The *Philadelphia Independent Gazette*, of July 13 and 20, has two numbers of a series entitled "A Philosophical Discussion on the Rights of Vermont, Kentucky, etc., to aspire to their Separate Stations of Independency among Sovereign States on Revolutionary Principles, by a Revolutionist." These numbers (all I have access to) were chiefly vituperative, and the underlying thought is expressed in the title. The Vermont example was made use of in connection with Western projects. Ramsey, *Tennessee*, 312.

³ Dr p r Colls., Newspaper Extracts III., *Maryland Journal*, December 9 and December 20, 1783.

than a wise man can do it for him. We are not against hearing council; but we attend more to our feelings than to the argumentation of others." They add that the whole authority of the state rests ultimately upon the opinions and judgments of men who are generally as void of experience as themselves. Nor in their opinion is there occasion to fear the results of a separation of the two parts of the state of Virginia: "Our nearest seaports will be among you, your readiest resources for effectual succour in case of any invasion will be to us: the fruits of our industry and temperance will be enjoyed by you, and the simplicity of our manners will furnish you with profitable lessons. In recompense for these services you will furnish our rustic inhabitants with examples of civility and politeness and supply us with conveniences which are without the reach of our labour." They ask therefore that Virginia should cede all the territory west of the Alleghany Mountains and allow the settlers to form a new government under the auspices of the American Congress. Early the next year Jefferson¹ wrote to Madison that it was for the interest of Virginia to cede the Kentucky region immediately, because the people beyond the meridian of the mouth of the Great Kanawha would "separate themselves and be joined by all our settlements beyond the Alleghany, if they are the first movers; whereas if we draw the line, those at Kentucky having their end will not interest themselves for the people of Indiana, Greenbrier, etc., who will, of course, be left to our management, and I can with certainty almost say that congress would approve of the meridian of the mouth of the Kanaway, consider it as the ultimate point to be desired from Virginia. . . . Should we not be the first movers, and the Indianians and Kentuckians take themselves off and claim to the Alleghany, I am afraid Congress would secretly wish them well." By the Indianians, of course Jefferson means the inhabitants of the region of the old Indiana company, and it seems likely that the petition just considered came from these settlers. The reasons which Jefferson gives for retaining to the meridian of the mouth of the Great Kanawha included the following: These lands (before long to be thickly settled) would form a barrier for Virginia; and the hundred and eighty miles of barren, mountainous lands beyond would make a fine separation between her and the next state. The lead mines were there; and the improvement of the river would afford "the shortest water communication by 500 miles of any which can ever be got between the western waters and Atlantic, and of course promises us almost a monopoly of the

¹ Jefferson, *Writings*, III. 401.

western and Indian trade." Evidently the attacks of the land companies, the discontent of the settlers, and the attitude of Congress were having their effects. Virginia was beginning to perceive that she must cede something unconditionally, lest she lose all her Western settlements. Her leaders were coming to see, moreover, the importance of uniting the West and the East by internal improvements, a movement that led the way to the Constitutional Convention. Not long after Jefferson's letter Washington¹ wrote to Governor Harrison, regarding the desirability of connecting the West to Virginia by ties of interest. If Virginia improved the Potomac and Ohio route, to draw Western trade to herself, Pennsylvania was in no position to make objections, though part of the road would pass through her territory; for, said Washington, "there are in the State of Pennsylvania at least a hundred thousand souls west of Laurel Hill who are groaning under the inconveniences of a long land transportation," and Pennsylvania "must submit to the loss of so much of its trade, or hazard not only the loss of the trade but the loss of the settlements also . . . toward which there is not wanting a disposition at this moment in that part of it beyond the mountains." In the same year Washington was urging that Congress should legislate for the government of the territory northwest of the Ohio. "The spirit of immigration is great," he wrote to Richard Henry Lee, "the people have got impatient; and though you cannot stop the road, it is yet in your power to mark the way; a little while and you will not be able to do either." The truth of this opinion is shown by the attempts of squatters on the western side of the Ohio to form a constitution for a new state in 1785, on the doctrine that it was a right of mankind to pass into vacant territory and there form their constitution.² But the federal troops drove off the intruders, in spite of this doctrine of squatter sovereignty, "agreeable to every constitution formed in America."

Propositions for "marking the way" were already under consideration in Congress. The policy had finally prevailed of asking cessions instead of asserting authority, and in October of 1783 Virginia had authorized a cession of her lands across the Ohio. The Vandalia Company made another struggle to secure its claim, and exhibited its New Jersey strength by inducing that state to appoint Col. George Morgan its agent, in order to bring the Vandalia claim before Congress as a claim of the state of New Jersey, and thus induce Congress to take jurisdiction

¹ Washington, *Writings*, X. 407.

² *St. Clair Papers*, II. 3-5; McMaster, III. 106, 107.

between the two states of Virginia and New Jersey, under the Articles of Confederation. But that body refused to take the matter up; accepted Virginia's cession; and passed the Ordinance of 1784.¹ It is not within the scope of this paper to discuss the evolution of the territorial government for the ceded lands by Congress. The petition and proposed constitution² outlined by the army officers at Newburgh, in 1783, the steps leading to Jefferson's ordinance; Monroe's, and later reports,³ and the outcome of all this Congressional action in the Ordinance of 1787, we must pass by. But some of the features of the Ordinance of 1784 had a direct effect upon the backwoodsmen, whose attitude is under consideration, and so must be noted. This statute provided that the territory ceded or to be ceded by individual states should, whenever it should have been purchased of the Indians and offered for sale by the United States, be formed into additional states, bounded in the following manner⁴ as nearly as the cessions should admit: northwardly and southwardly by parallels of latitude, so that each state should comprise from north to south two degrees of latitude, beginning to count from the completion of 45° N. lat. Eastwardly and westwardly, the boundaries were to be the Mississippi, on the one side, and the meridian of the lowest point of the falls of the Ohio, on the other; and for the next tier of states, the same meridian was to form the boundary on the west, while to the east the boundary would be the meridian of the mouth of the Great Kanawha. The territory eastward of this last meridian between the Ohio, Lake Erie, and Pennsylvania, was to be one state in addition. Whatever territory lay beyond the completion of 45° between the meridians mentioned, was to be a part of the state adjoining it on the south; and where the Ohio cut the parallel 39°, its course to the north of that line was to be substituted for that portion of the parallel. Two things deserve particular notice in this arrangement: the rigid application of the rectangular system, with small regard for physiographic propriety;⁵ and the number of small states provided for. Jefferson's belief in the West is clearly indicated by this readiness to concede so large a share of power in Congress to the region. The agricultural West might be regarded as a natural political ally of Virginia. It is less easy to see why New England accepted the proposition.

¹ April 23. Donaldson, *Public Domain*, 147-149; Barrett, 17-27.

² Pickering, *Life of Pickering*, I. 546-549, Appendix iii.

³ Stone, *Ordinance of 1787*; Barrett, 33 *et seq.*

⁴ See map in previous number; and correct into accord with this.

⁵ See later, p. 259.

Earlier in the year a Rhode Island congressman wrote: "It is proposed to divide the country into fourteen new states in the following manner. There are to be three tiers of state : one on the Atlantic, one on the Mississippi, and a middle tier. The middle tier is to be the smallest and is to form a balance betwixt the two more powerful ones."¹

Having thus outlined the course of new state activity in one of the regions of the Western Waters, and having traced the connection between it and the Congressional legislation, we may next survey the attempts of similar nature in the Tennessee and the Kentucky regions. Here we shall have to be very brief, partly because of the limits of the paper, partly because the essential grievances and methods have been stated in connection with the first region. Moreover, the writers who have related the history of Kentucky and Tennessee have made the attempts in these settlements more familiar. One centre of disturbance on the Tennessee waters, however, has been neglected. It will be remembered that Washington county, Virginia, the region on the Holston about Abington, was economically and socially a part of the North Carolina region, on the same waters, although separated by the Virginia line; and that the mountains cut this tract off from both the parent states. Moreover, the Virginia counties of Montgomery and Greenbrier, on the tributaries of the Great Kanawha, lay in close connection with Washington county. When the rumor came to these settlements that Congress had resolved against Virginia's claim to their region, they were thrown into commotion, and Arthur Campbell, the fiery Scotch-Irishman who was county-lieutenant and justice of Washington county in Virginia, and Col. William Christian, another noted Indian fighter, brother-in-law of Patrick Henry, agreed upon a plan for holding a convention of delegates from the two counties of North Carolina on the Tennessee waters, and from these three Virginia counties. The delegates were to be chosen by the freemen either in their respective companies of militia, or at the court-houses,² on court day, and to meet at Abington. "In the general Confusion and Disturbance we ought to take care of ourselves," wrote Christian.³ The outcome of the proposition is unknown; but it indicates the delicacy

¹ Staples, *Rhode Island in the Continental Congress*, 479; Barrett, *Evolution of Ordinance of 1787*, 19.

² Christian preferred the use of militia companies, because "so few meet in common at the annual elections." This is a significant fact. See J. F. Jameson, *Virginia Voting in the Colonial Period*, Nation, April 27, 1893.

³ Draper Colls., King's Mountain MSS., IX.; *Cal. Va. State Papers*, III. 414, 572; Gilpin, I. 116; Jefferson to Madison, March 24, 1782, *Writings*, III. 53.

of the western situation, and the readiness of the frontiersmen to rely on their own assemblies. There is evidence that Arthur Campbell continued in correspondence with Congressional leaders. In the summer of 1783, Jefferson reported that Patrick Henry was ready to restrict Virginia to reasonable boundaries, but that instead of ceding the parts lopped off, he was for laying them off into small republics.¹ Henry had his particularistic tendencies tried in the next few years, when as governor he had to support the unity of the Old Dominion against attempts to withdraw her western area.

In June, 1784, North Carolina, following the example of Virginia in the cession of her claims beyond the Ohio, ceded to the United States the region now embraced in Tennessee, providing at the same time that the sovereignty should remain in North Carolina until the cession was accepted by Congress. The Ordinance of 1784 had passed on the 23d of the previous April. According to the boundaries provided therein, the settlements of eastern Tennessee would have fallen within one state, and those on the Cumberland in the one just to the west of that. The settlers on the Tennessee complained that after the cession North Carolina lost all interest in them, and stopped the goods she had promised to the Indians in payment for lands. Thereupon the frontiers were attacked by the savages. In this critical situation, abandoned by North Carolina, without proper provision for courts, or for calling the militia to the field, unprovided for by Congress, it is not surprising that the citizens hastened their independent statehood.² Committees composed of two representatives from each militia company in the counties of North Carolina on the Tennessee met and recommended the election of deputies to meet in convention at Jonesboro'. The Cumberland men were not represented, for the mountains intervened between them and the Tennessee settlements, and their connections were more with Kentucky than with this region. The Jonesboro' convention met on the 23d of August and came to the conclusion that it was for their interest to form a separate state. They believed that the increased immigration which would result from their independence would produce an improvement in agriculture, manufactures, and literature. "The seat of government being among ourselves," said they, "would evidently tend, not only to keep a circulating medium in gold and silver among us, but draw it from many individuals living in other states, who claim large quantities

¹ Jefferson, *Writings*, III. 334.

² Ramsey, *Annals of Tennessee*, gives the documentary material on this state of Franklin.

of lands that would lie in the bounds of the new state." By implication this would leave the vacant lands within the state to the state itself, rather than to the United States, and it was one of the points with which Governor Martin of North Carolina reproached them in the manifesto which he issued against their attempt. At the same time, Martin held out hopes that if they returned to the jurisdiction of the parent state, a future amicable separation might be effected, accompanied by a division of the vacant lands between the two states.¹ Another reason advanced for independence was the fact that the more populous eastern settlements would render the western men subservient to them and would legislate against their interests. Finally they urged that Congress by their resolutions had invited them to assume statehood, and that North Carolina's cession had opened the door. It was their hope that the whole valley of the upper Tennessee might be embraced in the new state; for they resolved to admit any contiguous part of Virginia that might make application to join their association, "after they are legally permitted, either by the state of Virginia, *or other power having cognizance thereof.*"² The italicized words indicate how widespread was the belief in Congressional jurisdiction over the West.³ Although North Carolina repealed her cession and provided judicial and military organization for the region under the name of Washington District, the movement had progressed too far to be thus arrested. Sevier was chosen governor, and later conventions took the constitution of North Carolina as the model of their government, and adopted the name of Franklin for the state. The Assembly of Franklin petitioned Congress to ignore the repeal of North Carolina's cession and to accept the infant commonwealth. In the summer of 1785 a Washington county Virginia man wrote that the "new society or State called Franklin has already put off its infant habit and seems to step forward with a florid, healthy constitution; it wants only the paternal guardianship of Congress for a short period, to entitle it to be admitted with *éclat*, as a member of the Federal Government.

¹ Governor Sevier of the new state denied that the question of disposing of the public lands had been settled; but the state afterwards opened land offices. Ramsey, *Tennessee*, 364. Compare Henry, *Patrick Henry*, III. 293.

² The italics are mine.

³ The italicized clause leads Roosevelt (*Winning of the West*, III. 157, 158) to say that "the mountaineers ignored the doctrine of State Sovereignty." These frontiersmen believed in the congressional jurisdiction over the former crown lands; but the italicized words do not warrant the assertion that they ignored the doctrine of state sovereignty. There was much reason for doubting the right of individual states to trans-Alleghany territory.

Here the genuine Republican ! here the real Whig will find a safe asylum a comfortable retreat among those modern *Franks*, the hardy mountain men." But the mountain men were not yet to receive the paternal guardianship of Congress. North Carolina made liberal concessions in postponing taxes and promising forgiveness. The settlers divided into the partisans of North Carolina and of Franklin; rival governments held courts, summoned militia, passed laws, and collected taxes over the same area. In the midst of this domestic turmoil, Governor Sevier was forced again and again to lead his riflemen against the Indians whom the land hunger of the Franklin men had aroused.

In the meantime the leaders of Washington county, Virginia, were agitating for union with Franklin. Arthur Campbell lent all of his influence as magistrate and militia officer against continuing with Virginia, and even denounced her taxation on the days when he held court. Rev. Charles Cummings, the backwoods preacher, appealed to his people to stand by their natural rights, and he presided at meetings for separation.¹ Early² in January of 1785 a petition from the leaders was read in Congress praying that they might form part of an independent state, bounded by the Alleghanies on the east, the meridian of the falls of the Ohio on the west; a line from the junction of the Greenbrier and the Great Kanawha to and along the 37th parallel on the north; and the 34th parallel on the south.³ In a word, they desired to erect the upper courses of the Tennessee and the territory about Cumberland Gap into a separate state, a greater Franklin. "We are the first occupants and Aborigines of this Country," said these Indian fighters, "freemen claiming natural rights and privileges of American Citizens." They desired that the disposition of the vacant lands be in the hands of the legislature, with the reservation that the proceeds should be paid to the order of Congress. One may be permitted to doubt whether the terms on which they would sell the lands to themselves would leave much for the Congressional coffers. Again, in the spring of 1785, another petition went to Congress from the deputies of the same county. They proposed modifications in the rigid rectangles that Jefferson had laid down for the western states in the Ordinance of 1784. The eastern meridian line, they complained, passed across a great number of the most inaccessible and craggy

¹ *Cal. Va. State Papers*, IV. 34 *et passim*.

² January 13. See the petition in *Cal. Va. State Papers*, IV. 4. This differs in some verbal respects from the copy in the Department of State.

³ See the map in the previous number.

mountains in America, and severed communities naturally one. The western meridian divided the Kentucky settlers. They proposed two states with natural boundary lines; the Kentucky settlements bounded by the Great Kanawha were to make one, and the upper waters of the Tennessee, including the Muscle Shoals of that river, another.¹ The Cumberland settlers would have been left as the nucleus for another of the states provided for by the Ordinance of 1784. As thus modified, the settlers declared the Ordinance the basis for a liberal and beneficial compact. With this petition they forwarded an association which they had drawn up, resolving, among other things, that the lands "cultivated by individuals belong strictly to them, and not to the government, otherwise every citizen would be a tenant and not a landlord, a vassal and not a freeman; and every government would be a usurpation, not an instrumental device for public good." "For cogent is the reasonings," they exclaimed, "when we can with great truth say: our own blood was spilt in acquiring land for our settlement, our fortunes expended in making these settlements effectual; for ourselves we fought, for ourselves we conquered, and for ourselves alone have we a right to hold."² But Patrick Henry, then governor of Virginia, was ready to resist the loss of this "barrier and nursery of soldiers," and he regarded the Franklin project as "a matter that may ruin the Western Country which must principally support the glory of America in future Times."³ The irate Arthur Campbell reproached this orator of the Revolution with incurring the infamy of a Bernard or a Hutchinson; but his attempts were all in vain.⁴ The state of Franklin dared not receive the Virginians against the will of so powerful a state, and Virginia, following the example of Pennsylvania, passed an act in the fall of 1785, making the erection of an independent government within her limits, except by an act of her Assembly, high treason, and empowering the governor to call out the militia to repress any combination for such purpose.⁵ The state of Franklin, which had steadily lost authority among the settlers, practically expired in 1788. In the fall of the next year Sevier took his seat in the North Carolina Senate, and the year

¹ See the map in previous number.

² They are here using the language of Jefferson's Proposed Instructions to the Virginia Delegates, 1774. Ford's *Jefferson's Writings*, I. 437.

³ Henry, *Patrick Henry*, III. 374.

⁴ The evidence respecting Campbell's plans is in *Cal. Va. State Papers*, IV., *passim*. The petitions and association are in Archives of the Continental Congress, No. 48, pp. 281, 287, 297. Compare Ramsey, *Tennessee*, 320.

⁵ Hening's *Statutes*, XII. 41.

after that he went to Congress from the western district of North Carolina. By the lapse of Franklin, one of her settlements, Sevier County, was left stranded on Indian territory not acquired by North Carolina. They organized themselves by the familiar expedient of a social compact,¹ and continued their association until erected into a county of the Territory of the United States south of the River Ohio, in 1794.

When North Carolina ceded the Tennessee country to Congress in 1790, Patrick Henry, who was interested in the Yazoo land company at the time, declared to a Western correspondent: "I still think great things may be done in the Tennessee Country and below. For surely the People of Franklin will never submit to be given away with the Lands like slaves without holding a Convention of their own as the Kentucky people have done under our Laws. But if we had not assented to it, they would have had a Right to hold one to consult together for their own Good." He calls the act of cession "a most abominable Instance of Tyranny," and says that they ought to do as Vermont has done. "For being cut off from Government without holding any convention of the people there to consent to it all the Rights of Sovereignty over the District and Lands therein belong to the people there." This doctrine, he believed, "neither Congress nor any other persons who understand the principles of the Revolution can controvert or deny."²

While the Indian fighters on the upper waters of the Ohio, and on the tributaries of the Tennessee, had been striving for independent statehood, the Kentucky riflemen, in their turn, had been seeking the same object. The lands for which they had risked their lives in conflict with the savages, were being seized by speculative purchasers from Virginia, who took advantage of the imperfect titles of the pioneers. One of the most important features of the economic history of the West in the eighteenth century, is the way in which preparations for a later aristocracy were being made, by the amassing of vast estates of wilderness through grant or purchase. For the time being these estates did not materially affect social conditions; for they were but wilderness; but they served as nuclei for the movement of assimilation of the frontier to the Southern type when the slave population began its westward march. The pioneer had an intuitive sense of this danger. "We have distressing news from Kentuckee," wrote

¹ Ramsey, *Tennessee*, 437, prints these interesting Articles of Association.

² Draper Colls., King's Mountain MSS., XI.

a Westerner,¹ in the summer of 1780, "which is entirely owing to a set of Nabobs in Virginia taking all the lands there by Office Warrants and Pre-emption Rights. Hundreds of Families are ruined by it. In short, it threatens a loss of that Country. Should the English go there and offer them Protection from the Indians, the greatest Part will join. . . . Let the *great Men*, say they, whom the Land belongs to, come and defend it, for we will not lift a Gun in Defense of it." It is easy to understand, therefore, why in the spring of the same year, a petition² came to the Continental Congress, praying that body to organize the counties of Kentucky and Illinois into a separate State. Among their grievances was the granting of the waste lands in great tracts, "without Reservation for Cultivating and Settling the same, whereby Setling the Contry is Discouraged and the inhabitants are greatly exposed to the Saviges by whom our wives and Childring are daly Cruilly murdered." They objected to being taxed while enrolled and serving in garrisons. Between them and the appellate courts of justice from six hundred to a thousand miles intervened, and the law miscarried. Although they had taken the oath of allegiance to the United States, Virginia had demanded that they swear allegiance to her, and they knew not to whom they belonged. In the next year³ other attempts at separation were made; and in 1782, as has already been noted, the petition of the Kentucky men aroused a heated debate in Congress.⁴ The Congressional report of 1781, adverse to Virginia's claims,⁵ was circulated in Kentucky by the friends of Congressional control; and one of the agitators was tried and fined as "a divulger of false news." Loyalty to Virginia was diminished by the fact that the inhabitants represented many States, and that correspondence was active between them and persons at the seat of Congress.⁶ One of the interesting side lights on the period is the fact that at this time James Monroe⁷ contemplated removal to Kentucky, and that he solicited confi-

¹ Draper Colls., Clark MSS., XLVI. 59.

² Printed in Roosevelt, *Winning of the West*, II. 398.

³ *Cal. Va. State Papers*, III. 385; Putnam, *Middle Tennessee*, 631; Draper Colls., Shane MSS., XI. 39-44; Draper Colls., Trip, 1860, II. 35; Draper Colls., Clark MSS., XXX. 19.

⁴ Thomson Papers, *N. Y. Hist. Colls.*, 1878, p. 145. Compare the undated petition in Archives of Continental Congress, Vol. XLI. 102.

⁵ See page 251, *ante*.

⁶ Walker Daniel (attorney for Virginia) to Fleming, April 14, 1783; Draper Colls., Clark MSS., XLVI. 78, 79; LII. 91; *Va. Cal. State Papers*, III. 555, 584-588.

⁷ Monroe to Clark, October 19, 1783, Draper Colls., Clark MSS., LII. 92.

dential communication with George Rogers Clark, the famous Kentucky leader. Monroe favored a new state, on the ground that it would increase the weight of Virginia politics in the Union.

At last, on December 27, 1784, these sporadic attempts at independence culminated in a convention called by a meeting of leading citizens in the previous November. This convention was composed of a delegate from every captain's company. It declared the grievances¹ already familiar in other Western petitions, of unequal taxes; inefficient administration of justice; lack of provisions for calling out the militia; the drainage of specie to the eastern part of Virginia; and the general neglect due to their remoteness from the seat of government. Among the sources of discontent was the lack of a law for improving the breed of horses,—a matter on which the Transylvania legislators had been prompt to act! The convention made provision for a new convention to meet the following May and to take definite action. The subsequent history of Kentucky's struggle for statehood is a subject for treatment by itself, and too extensive for the limits of this paper. It was complicated by the question of the closing of the Mississippi, and by the fear that Congress would consent thus to see the highway of Western trade barricaded. With it were involved the intrigues of Wilkinson and his friends with Spain, the efforts of England to sound the separatist tendencies of the West, and the dilatory caution of Virginia, as well as the fact that in this period the change was effected from the government under the Articles of Confederation to that under the federal Constitution. That in the many blunders and misunderstandings which grew out of this situation, Kentucky adhered to legal methods, indicates much self-restraint on the part of the settlers. But had matters not taken a favorable turn at the time most critical, Kentucky was in a fair way to have crowned this movement for independence by placing itself in the position of a state out of the Union.² While Wilkinson was playing his game for a Spanish alliance, or at least for Spanish bribes, even such honest Westerners as Sevier and Robertson entered into correspondence with Spanish agents in the critical period of 1788; and George Rogers Clark offered to expatriate himself and accept the flag of Spain in return for a liberal land grant for a trans-Mississippi colony. Col. George Morgan, hopeless of securing

¹ Draper Colls., Newspaper Extracts, 1785, p. 1. *Pennsylvania Packet*, May 9, 1785; cf. *Kentucky Gazette*, October 18, 1788.

² The best general account of these movements is in Roosevelt, III.; but the documentary material in Gayarré, *Louisiana*, Green's *Spanish Conspiracy*, and *Report of Canadian Archives*, 1890, as well as in the Draper Collections, is important.

from Congress his desire for Indiana Company lands, sought the Spanish power, and was promised an immense domain opposite the mouth of the Ohio, for a colony to be called New Madrid. In this period also was formed the Yazoo company, whose agent, Dr. O'Fallon (Clark's brother-in-law), proposed to the Spaniards that his colony should become subjects of Spain, if unmolested by that power.¹ The apprehensions of Patrick Henry and Grayson regarding the relinquishment of the Mississippi by Congress under the proposed federal constitution, all but turned Virginia against that instrument in the ratification convention.² The Kentucky radicals desired to establish a state regardless of Virginia's consent, and without securing the permission of the federal government, and thus to be in a position to ratify or reject the new federal constitution; to make terms with Spain; or to stand alone and await events. "Our Political era is at hand!" exultantly wrote Judge Wallace,³ of the Kentucky convention, to Arthur Campbell in 1788.

All along the border the party favorable to new states had been balked. The hopes awakened by the Ordinance of 1784, of Congressional organization of the whole West, had so far borne no fruit in the settled regions, although the unoccupied Northwest had been splendidly provided for in 1787. Checked or rebuffed by the parent states, neglected by Congress, their very industrial life threatened by the closure of the Mississippi, it was not surprising that they gave to the separatist movement a more aggressive form. The Kentuckians had reason to think that the whole frontier sympathized with them. The Western counties of Pennsylvania were excited;⁴ the French on the Illinois had grown impatient of the lack of government and the insecurity of their land titles; the surviving Franklin partisans were ready to join in a Western uprising; the people of Cumberland sent their agents to ask to be incorporated in the state of Kentucky;⁵ and Arthur Campbell was in correspondence with leading advocates of Kentucky separation, and was proposing a general coalescence of the Western country.⁶ Added to all of these evidences of unrest was the attitude of Eng-

¹ Compare Isaac Sherman's proposed Connecticut colony beyond the Mississippi. *Can. Archives*, 1890. See Haskins' *Yazoo Company*, in *American Historical Association*, V. 395.

² Elliot's *Debates*, III.; Stone, *Ordinance of 1787*.

³ Draper Colls., King's Mountain MSS., IX.

⁴ Draper Colls., Clark MSS., XI. 153, citing *Maryland Journal*, July 3, 1787.

⁵ McDowell to A. Campbell, September 23, 1787, Draper Colls., King's Mountain MSS., IX.; Speed, *Danville Political Club*, 136; Putnam, 280.

⁶ C. Wallace to A. Campbell, Sept. 19, 1788, Draper Colls., King's Mountain MSS., IX.

land and Spain, both of which powers were sounding the West regarding its readiness to cast off the connection with the Union.¹ Such facts show how impossible it would have been to have governed the West by any system of provincial administration.

If these forces of disunion had prevailed, the indications point rather to a Mississippi Valley federation, a union of the Western Waters, than to a lapse into independent communities indifferent to each other's fate. The readiness of the settlers to appeal to each other for aid, the negotiations for mutual political connection at various times in this period, the physiographic unity of the Mississippi Valley, and the dangerous neighborhood of England and Spain, all lead to the same conclusion.²

The results of this study may be summarized in conclusion. We have found that the writers on the organization of the West have made the Ordinance of 1787, and the vacant country beyond the Ohio, the object of their inquiry and that they have thus been led to slight the occupied area involved,—that is, the lands between the Alleghanies and the Ohio. It follows that the part played by the frontiersmen themselves has been neglected. The documents surviving in their rude chirography and frontier spelling, the archives of Congress and the newspapers of the time, have enabled us to show that so far from being passive spectators of the Congressional plans for their political future, the frontiersmen were agitated by every new proposal of that body. They tried to shape their own civil destiny.

We have noted, too, the importance of the physiographic explanation of the movement. The new state activity extended all along the frontier; but in three areas, natural economic unities, separate states were proposed. The eastern tributaries of the upper Ohio made the area of Vandalia, Westsylvania, part of Paine's projected state, and the many unnamed states projected in the period from 1780 to 1784. The persistence of the physiographic influence in this unit is seen in the Whiskey Rebellion in western Pennsylvania, and in the continuous struggle of West Virginia against control by the eastern section of that state, until at last her object was gained in the Civil War, and an independent state on the lines of Vandalia, though not of Westsylvania, was formed. The second economic unit, around the upper course of the Tennessee, was the area of the Watauga Association, the

¹ Interesting material on the situation in the West in 1789 is in *Report of Canadian Archives*, 1890. See Gayarré, *Louisiana, Spanish Dom.*, 206, 228; Green, *Spanish Conspiracy*; Roosevelt, *Winning of the West*, III.

² Roosevelt, *Winning of the West*, III. 127, 128, 94, 95, holds the contrary view.

state of Franklin, and the proposed greater Franklin of Arthur Campbell. Virginia retained her portion of this tract, and assimilated the descendants of these leaders to the great planter type; but the Tennessee region was organized as the Territory of the United States south of the river Ohio, in 1790, and six years later it became a state. The union of the Cumberland pasture-lands with the mountain tracts of East Tennessee was physiographically unnatural. In the debates at Nashville, preceding the Civil War, the proposition for organizing a union state of Franklin out of the mountain lands received much attention,¹ and it was this area that furnished most of the Tennessee soldiers for the Union army in that war, and which to-day holds to the Republican party, while the rest of the state has usually given its votes to the Democratic party. In the Kentucky unit, too, after a decade of struggle, independent statehood was acquired. All of these movements were natural expressions of physiographic influences. They were all led by sons of Virginia, and the same era that saw the downfall of her tobacco-planting aristocracy seemed likely to witness the restriction of Virginia's vast domain to limits narrower than those imposed in the Civil War. But she was able to resist the full effects of these influences.

Another result revealed by this general view, is the variety of the new governmental plans, and the fact that there appeared in this area of vacant lands, as in the colonial area long before, plans of proprietary companies, and social compacts, or associations. The Ordinances of Congress, moreover, provided for a type of government comparable to that of the royal colonies; the idea of close control by the general government was common to both; but the type was revolutionized by the American conditions. The weakness of the proprietary plans, also, shows the influence of the wilderness training in liberty. The theory of the associations was a natural outcome of the combined influences of Puritan political philosophy, in its Scotch-Irish form, the revolutionary spirit, and the forest freedom. All through these compacts runs the doctrine that the people in an unoccupied land have the right to determine their own political institutions. In announcing the doctrine of "squatter sovereignty," therefore, Cass and Douglas merely gave utterance to a time-honored Western idea.²

This idea was, nevertheless, merely an extension of the prin-

¹ Phelan, *Tennessee*, 104.

² A committee of the Wisconsin legislature declared in 1843 that it was a doctrine well understood in this country, that all "political communities have the right of governing themselves in their own way within their lawful boundaries."

ciples and methods of the Revolution to the West. In interpreting the history of colonial settlement so as to meet the needs of the revolutionary arguments, John Adams had held that the original colonists carried with them only natural rights, and having settled a new country according to the law of nature, were not bound to submit to English law unless they chose it. Jefferson had compared the original colonial migrations to the migrations of their Saxon ancestors to England; and he had asserted that the colonists "possessed a right which nature has given to all men, of . . . going in quest of new habitations and of there establishing new societies under such laws and regulations as to them shall seem most likely to promote public happiness. . . . Settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country." Such were the theories urged by the revolutionary leaders respecting the political rights of settlers in vacant regions, at the very time when the frontiersmen were occupying the lands beyond the mountains. These doctrines formed convenient bases for the formation of associations, for the assertion of the ownership of their lands by the settlers in defiance of the parent state; for their complaints against the actions of these states and for their demands for independence. The revolutionary states found themselves obliged to repudiate some of their own doctrines in dealing with their western communities. In the Franklin convention the Declaration of Independence was read to show that reasons for separation from England urged in that document applied equally well to the relation of the western counties to the counties of the coast.

It is a noteworthy fact, however, that so many of these associations accepted the laws and constitution of an older state. The frontier did not proceed on the principle of *tabula rasa*; it modified older forms, and infused into them the spirit of democracy.¹

Examining the grievances of the Westerners, one is impressed with the similarity of the reasons for wishing independent statehood, in all the petitions from all the regions. They were chiefly the following: disputed boundaries, uncertain land titles, inefficient organization of justice and military defence, due to the remoteness of the capital; the difficulty of paying taxes in specie; the dislike of paying taxes at all when the pioneers were serving in Indian warfare, and were paying money into the state treasury for their lands; general incompatibility of interests between the frontiers-

¹ Compare the Exeter covenant where the "liberties of our English Colony of the Massachusetts" were asserted.

men and the planters, and the aggravation of this fact by the control which the East retained in the legislatures.¹ Perhaps no factor in the explanation of the new state activity is of more importance than the Westerners' desire to organize states that should own the vacant lands within their bounds. This would enable them to determine the price of the public lands, and this would enable them to reduce taxes while assuming government. But it was just this that Congress could not be expected to permit. The policy of Calhoun to win Western support at a later period by yielding to the states the public lands within their limits, was based on a thorough understanding of Western traits.

Through all these petitions and memorials runs the sentiment that Congress might, or ought to, assume jurisdiction over the West. The frontiersmen exerted a constant pressure on Congress to exalt its powers. The Crown had asserted its control over the lands beyond the sources of the rivers flowing into the Atlantic by the Proclamation of 1763, when it forbade settlement and the patenting of land therein. On the eve of the Revolution it had all but completed a grant to the Vandalia Company, providing for a colonial government in the limits of Virginia's trans-Alleghany claim. This company tried to persuade Congress to assert the possession and jurisdiction of the lands beyond the mountains, as the property of the whole Union by devolution from the Crown when independence was declared. To the westerners the theory of Congressional control was attractive. It seemed to exact nothing and to promise much. They looked for organization into independent states of the Union; they looked for deliverance from the rule of the coast counties in the legislatures, the rule of a section radically unlike the West; they looked for lighter taxation and for all the advantages of self-government; they hoped to own the lands within their borders. It is not strange that with these ideals they appealed to the central government for organization into states. But in any case there were strong national tendencies in the West. These communities were made up of settlers from many states, and this mixture of peoples diminished the loyalty to the claimant states, and increased the tendency to appeal to national authority. It was chiefly, however, because the national power could promote the interests of the West that that section was so ready to turn to it. It was ready to abandon this attitude when its interest was threatened, as the Mississippi question clearly shows. But for the

¹ Compare Jefferson, *Notes on Virginia*, 127 (1853); *Debates in Virginia Constitutional Convention*, 1829-1830; Brevard, *Digest of S. C. Laws* (1814) pp. xiv, ff.; *N. C. Colonial Records*, VII., pp. xix, ff.

most part it has been for the interest of the national government to legislate in the interest of the West, and so the West has been not only in the era of the Revolution, but ever since, a great nationalizing force in our history.

In fine, we see in these agitations along the Alleghanies the early political efforts of the rude, boisterous West, checked as yet by the tide-water area, but already giving promise of the day when, in the person of Andrew Jackson, its forces of democracy and nationalism should rule the republic.

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